



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JANUARY 27, 2003**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-20 Wasatch Property Management v. Degrate, S112386. (D039656; 103 Cal.App.4th 913, mod. 103 Cal.App.4th 1403d; San Diego County Superior Court; CA775163.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the following issue: Does Civil Code section 1954.535, which requires that tenants receive 90 days notice of a landlord's intent to terminate a contract with a local housing agency under the federally subsidized Section 8 program (42 U.S.C. § 1437f), apply to the termination of a tenant's individual rental agreement, which, as a consequence, results in termination of the contract with the housing agency, or only to direct termination of the contract with the housing agency?

#03-21 Trumble v. Superior Court, S112339. (D039990; 103 Cal.App.4th 1011; San Diego County Superior Court; SCS165733.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

#03-22 Whatley v. Superior Court, S112361. (D039989; unpublished opinion; San Diego County Superior Court; SCS165578.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The court ordered briefing in Trumble and Whatley deferred pending decision in People v. Canty, S109537 (#02-167), which presents the following issue: Was defendant

(over)

entitled to have the disposition of her conviction for transportation of a controlled substance set in accordance with the provisions of the Substance Abuse and Crime Prevention Act of 2000 (Prop. 36, General Elec. (Nov. 7, 2000)), or was that enactment inapplicable because defendant was also convicted of misdemeanor driving under the influence of a controlled substance? (See Pen. Code, § 1210.1, subd. (b)(2).)

## STATUS

#02-111 Hagberg v. California Federal Bank, S105909. The court ordered briefing in this case, in which briefing was previously deferred pending decision in Balser v. Wells Fargo Bank, S101833 (# 01-170) and Mulder v. Pilot Air Freight, S105483 (#02-86). The case includes the following issue: Does the privilege for statements made in an “official proceeding” (Civ. Code, § 47, subd. (b)), apply to a police report that results in an investigation but not a criminal prosecution?

#03-17 Salazar v. Diversified Paratransit, Inc., S111876. The court limited review to the following issue: Is it an unlawful employment practice under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) “[f]or an employer . . . to fail to take all reasonable steps necessary to prevent . . . harassment” of an employee by a non-employee (*id.*, § 12940, subd. (k)), and accordingly whether an employer is required by the act to “take all reasonable steps to prevent [such] harassment” (*id.*, § 12940, subd. (j)(1))?

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